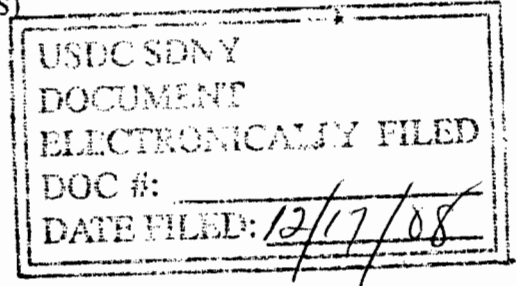


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

IN RE METHYL TERTIARY BUTYL  
ETHER PRODUCTS LIABILITY  
LITIGATION,

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88



This document pertains to:

*The City of Crystal River v. Amerada Hess  
Corp., et al., No. 07 cv 6848 (SAS)*

X

STIPULATION AND ORDER OF DISMISSAL AS AGAINST DEFENDANTS  
IRVING OIL LIMITED AND IRVING OIL CORPORATION

The undersigned counsel for Plaintiff and the undersigned counsel for Defendants, Irving  
Oil Limited and Irving Oil Corporation ("Defendants"), hereby agree on behalf of the parties

that:  
In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

Doc. 2196

1. Based on the representations made in the affidavit of Kevin Scott, dated  
September 18, 2008 (the "Scott Affidavit"), attached hereto as Exhibit A, and pursuant to  
Federal Rule of Civil Procedure 41(a)(1)<sup>(2)</sup>, Plaintiff voluntarily dismisses without prejudice the  
Summons with Notice and the Complaint in the above-captioned action as against Defendants  
Irving Oil Limited and Irving Oil Corporation, and reserves all of Plaintiff's rights as against all  
other defendants.

2. Should Plaintiff subsequently discover information that disproves any of the  
statements in the Scott Affidavit, Defendants agree to allow Plaintiff to reinstate Defendants into  
the above-captioned action.

3. Should Defendants be reinstated into the above-captioned action, pursuant to the above paragraph, then Defendants agree that the statute of limitations is tolled between the date of the filing of the Summons with Notice and the date of such reinstatement. In such event, Defendants further agree not to raise any statute of limitations defense they did not have as of the date the original Complaint was filed in this lawsuit.

Dated: New York, New York  
October 29, 2008

  
ROBERT GITELEVICH

William J. Dubanevich  
Napoli Bern Ripka, LLP  
350 Fifth Avenue, Suite 7413  
New York, NY 10118  
T: 212.267.3700  
F: 212.587.0031  
WDubanevich@NapoliBern.com

*Attorneys for City of Crystal River*

Dated: New York, New York  
October 24, 2008

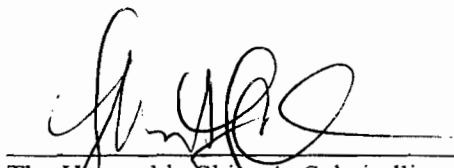


Susan M. Campbell  
Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, New York 10004  
T: 212.837.6000  
F: 212.422.4726  
campbels@hugheshubbard.com

*Attorneys for Irving Oil Limited and Irving Oil Corporation*

Dated: Dec. 17, 2008

SO ORDERED:

  
The Honorable Shira A. Scheindlin  
United States District Judge

# **Exhibit A**

*Attorneys for Defendants Irving Oil  
Limited and Irving Oil Corporation*

In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

**This Document Applies to:**

*City of Crystal River v. Amerada Hess Corp., et al.,*  
*City of Homosassa Water District v. Amerada Hess Corp., et al.,*  
*City of Inverness Water District v. Amerada Hess Corp., et al.,* and  
*Tampa Bay Water v. Amerada Hess Corp., et al.*

PROVINCE OF NEW BRUNSWICK, CANADA )  
 ) :ss  
CITY OF SAINT JOHN )

1. I am the Commercial Director of Refining Growth, and former Director of Supply Planning & Trading of Irving Oil Limited.

FL - Declaration of Kevin Scott v3.DOC

3. Irving Oil Limited is a Canadian corporation with its principal place of business in Saint John, New Brunswick. Irving Oil Corporation is a Maine corporation with its principal place of business in Portsmouth, New Hampshire.

4. The Irving Oil Defendants never manufactured MTBE.

5. The Irving Oil Defendants have no refining operations in the United States. The sole Irving Oil refinery is located in Saint John, New Brunswick, Canada.

6. The Irving Oil Defendants distribute gasoline in Canada and the United States, primarily in Atlantic Canada and Northern New England.

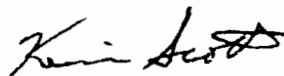
7. The Irving Oil Defendants have never owned or operated a gas station, gas tanks, or a retail gasoline outlet in Florida, have never leased a retail gasoline outlet in Florida to a third party, have never had a branded open-dealer retail outlet in Florida, and have never had a retail supply contract with any retail facility in the State.

8. The Irving Oil Defendants have never sold or distributed gasoline containing MTBE at any station in the State of Florida.

9. The Irving Oil Defendants have never shipped any reformulated gasoline containing MTBE into the State of Florida.

10. The Irving Oil Defendants have never shipped any gasoline of any kind into the Counties of Citrus, Hillsborough, Pasco, or Pinellas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



---

Kevin Scott

Executed on September 18, 2008

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of October, 2008, I caused a true and correct copy of the foregoing STIPULATION AND ORDER OF DISMISSAL AS AGAINST IRVING OIL LIMITED AND IRVING OIL CORPORATION in the matter *The City of Crystal River v. Amerada Hess Corp., et al.*, No. 07 cv 6848 to be served on all counsel via Lexis/Nexis File & Serve, on Plaintiffs' Liaison Counsel via email to mdl1358@weitzlux.com and on Defendants' Liaison Counsel via email to mdl1358@mwe.com.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York, on October 30, 2008.

  
Maria Termini